

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re:

Donnette Thomas,

Debtor.

Case No. 22-02732-hb
Chapter 7

John P. Fitzgerald, III, Acting United States
Trustee for Region Four,

Plaintiff,

v.

Donnette Thomas,

Defendant.

Adv. P. No. 23-80002-hb

ORDER DENYING DEFENDANT'S DISCHARGE

This matter came before the Court on the complaint filed by the Acting United States Trustee for Region Four (the “UST”) against the debtor seeking an order denying the debtor a discharge pursuant to 11 U.S.C. § 727(a)(4)(A) (the “Complaint”) and Motion for Entry of Default Judgement and Order Denying the Debtor a Discharge (the “Motion”). The Court has jurisdiction of this case and proceeding pursuant to 28 U.S.C. §§ 1334(a, b), and 157(a). This matter is a core proceeding under 28 U.S.C. § 157(b)(2)(J).

The UST filed a certificate of service showing the debtor had been served with the Summons and Complaint on January 4, 2023, at the address listed on her petition, which is 331 East Main Street, Rock Hill, SC 29730 (the “Petition Address”) and at the Petition Address with “Suite 200” added.

On February 13, 2023, the UST filed an affidavit of default that the deadline to answer the Complaint had passed and the debtor had not filed any responsive pleadings. The UST stated in the affidavit of default that he received return of mail that was mailed to the Petition Address but had not received any return of mail from the Petition Address with the “Suite 200” added. An entry of default was entered on February 14, 2023.

In the Motion, the UST states that subsequent to the affidavit of default, he received the return of the Summons and Complaint from the Petition Address with “Suite 200” added. Rule 7004(b)(9) of the Federal Rules of Bankruptcy Procedure provides that a debtor may be served by first class mail, after a petition has been filed by a debtor and until the case is dismissed or closed, by mailing a copy of the summons and complaint to the debtor at the address shown in the petition or such other address as the debtor may designate in a filed writing. The debtor was properly served at the address listed on her petition, and she has not designated any new address with the Court in any filing.

Based upon the defendant’s default to the Complaint, and on the Motion of the UST for entry of a default judgment and order denying the debtor a discharge, the defendant’s discharge should be, and hereby is denied, pursuant to 11 U.S.C. § 727(a)(4)(A).

This adversary proceeding is concluded.

FILED BY THE COURT
02/17/2023




Chief US Bankruptcy Judge
District of South Carolina

Entered: 02/17/2023